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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS:

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

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JUL 29 2011

AZ CORP COMMISSION
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[Signature]

In the matter of:

Docket No. S-20600A-08-0340

MARK W. BOSWORTH and LISA A.
BOSWORTH, husband and wife;

STEPHEN G. VAN CAMPEN and DIANE V.
VAN CAMPEN, husband and wife;

MICHAEL J. SARGENT and PEGGY L.
SARGENT, husband and wife;

ROBERT BORNHOLDT and JANE DOE
BORNHOLDT, husband and wife;

MARK BOSWORTH & ASSOCIATES, LLC, an
Arizona limited liability company;

3 GRINGOS MEXICAN INVESTMENTS, LLC, an
Arizona limited liability company;

Respondents.

**RESPONDENTS
MICHAEL J. SARGENT
AND PEGGY L. SARGENT'S**

**REPLY IN SUPPORT
OF JOINDER IN
LISA BOSWORTH'S
MOTION FOR CONTINUANCE**

Respondents Michael J. Sargent ("Mr. Sargent") and Peggy L. Sargent (collectively, the "Sargents") respectfully reply in support of their joinder in the motion for continuance filed by Respondent Lisa A. Bosworth.

Due Process. The Sargents' joinder explained that Mrs. Bosworth's situation has been significantly altered by the 19th Procedural Order because, prior to that time, she assumed that her husband could represent her interests. In fact, the record reflects that Mr. Bosworth has appeared on behalf of both himself and Mrs. Bosworth. See e.g. August 26, 2010 Tr. at 849. Now, Mrs. Bosworth has been denied this assistance – indeed, her husband has been ordered to not represent her interests. The 19th Procedural Order specifically orders that "Respondent Mark Bosworth shall not represent Respondent Lisa Bosworth in the proceeding." Mrs. Bosworth's representative has

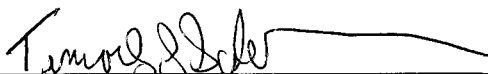
1 been disqualified and forbidden from representing her. Now she must prepare a defense. And that
2 is no easy task in this case. The record is large, complex, and even labyrinthine. The procedural
3 posture of this case is convoluted and unprecedented. None of this is the fault of the Division's
4 new counsel, but all of us must deal with this confused and perplexing situation.

5 In response to the Sargents' motion to continue, the Division argued that the Sargents did
6 not have standing to assert Mrs. Bosworth's due process rights. Mrs. Bosworth obviously has
7 standing to assert her own rights, removing this issue. In response to Mrs. Bosworth's motion to
8 continue, the Division does not address the key due process question: how can Mrs. Bosworth be
9 adequately prepared at this time, when her previous representative has been removed less than a
10 month ago? There is simply no way the case can go forward at this time if Mrs. Bosworth is to be
11 accorded due process.

12 **Settlement Conference.** In their Joinder, the Sargents requested that if a continuance is
13 granted, a settlement judge should be appointed and a settlement conference should be scheduled.
14 The Division objects there "would be no benefit to having a settlement conference." To the
15 contrary, settlement conferences are very beneficial. They give both sides a "reality check" from a
16 neutral settlement judge. A settlement conference would be especially helpful in this unusual and
17 convoluted case. The Division objects that they told the Sargents that "unless the Sargent
18 Respondents met a specific condition, settlement was not an option." The Division has indicated
19 by email that they are referring to their demand that Mr. Sargent turn over documents in response to
20 a subpoena the Division issued. The Sargents state that they are willing to do so, in the context of a
21 mutually agreeable settlement. Moreover, this factor does not apply to the other respondents,
22 including Mr. and Mrs. Bosworth. A settlement conference is reasonable and appropriate – indeed,
23 it may be the only feasible method of resolving this case in a clean and certain manner.

1 RESPECTFULLY SUBMITTED this 29th day of July, 2011.

2 ROSHKA DeWULF & PATTEN, PLC

3
4 By 

5 Paul J. Roshka, Jr.

6 Timothy J. Sabo

7 One Arizona Center

8 400 East Van Buren Street, Suite 800

9 Phoenix, Arizona 85004

10 602-256-6100 (telephone)

11 602-256-6800 (facsimile)

12 Attorneys for Respondents

13 Michael J. Sargent and Peggy L. Sargent

14 ORIGINAL and thirteen copies of the foregoing
15 filed this 29th day of July, 2011 with:

16 Docket Control

17 Arizona Corporation Commission

18 1200 West Washington Street

19 Phoenix, Arizona 85007

20 Copy of the foregoing hand-delivered
21 this 29th day of July, 2011 to:

22 Marc E. Stern, Administrative Law Judge

23 Hearing Division

24 Arizona Corporation Commission

25 1200 West Washington Street

26 Phoenix, Arizona 85007

27 Wendy Coy, Esq.

Securities Division

Arizona Corporation Commission

1300 West Washington Street, 3rd Floor

Phoenix, Arizona 85007

ROSHKA DeWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

ROSIKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Copy of the foregoing mailed
2 this 29th day of July, 2011 to:

3 Robert D. Mitchell, Esq.
4 Joshua R. Forest, Esq.
5 Julie M. Beauregard, Esq.
6 Mitchell & Forest, P.C.
7 1850 North Central Avenue, Suite 1715
8 Phoenix, Arizona 85004
9 Attorneys for Respondent Robert Bornholdt

10 Norman C. Keyt, Esq.
11 Keyt Law Offices
12 3001 E. Camelback Road, Suite 130
13 Phoenix, Arizona 85016
14 Attorneys for Respondents
15 Stephen G. and Diane V. Van Campen

16 Lisa A. Bosworth
17 18094 North 100th Street
18 Scottsdale, Arizona 85255

19 Mark Bosworth
20 MARK BOSWORTH & ASSOCIATES
21 3 GRINGOS MEXICAN INVESTMENTS, LLC
22 18094 N. 100th Street
23 Scottsdale, AZ 85255

24 Mark Bosworth
25 10115 E. Bell Road #249
26 Scottsdale, AZ 85260
27 Pro Per

